

**Hearing Before the
United States Senate
Subcommittee on Criminal Justice and Counterterrorism
of the Committee on the Judiciary**

**Decriminalizing Cannabis at the Federal Level:
Necessary Steps to Address Past Harms**

Testimony of

Weldon Angelos

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Chairman Booker, Ranking Member Cotton, and Members of the Subcommittee:

My name is Weldon Angelos, and I am living proof of the benefits of second chances.

Thank you for inviting me here today to share my personal experiences with the Committee and to discuss the impact of prohibition on the lives of many ordinary Americans like myself. Today's topic—the critically important issue of federal cannabis decriminalization—affects the lives of millions of Americans, from those who have interacted with the criminal justice system, to patients and veterans who get relief from cannabis.

I would also like to thank specifically both Senator Booker and Senator Lee for your ongoing commitment to my cause and to my case—without your help, I might still be serving time in federal prison.

When I was 23 years old, I was working in the music industry as a producer for artists like Snoop Dogg and Tupac Shakur's recording group. It was my dream job. In addition to my music career, I was also selling small amounts of cannabis on the side to help pay the bills until my music ventures stabilized. Unfortunately, my connections to the music industry—and to hip-hop in particular—made me the perfect target for law enforcement.

After selling \$300 worth of cannabis to a confidential informant on three occasions, I was arrested, tried, and convicted on 16 federal counts, the most serious of which included harsh mandatory punishments. The relevant statute, 18 U.S.C. § 924(c), punished the combination of any amount of cannabis and a lawfully possessed firearm. It didn't matter that the drug was a small amount of cannabis; it didn't matter that ownership and possession of the firearm was otherwise legal under state law; and it didn't matter that the firearm wasn't brandished or used. Simply possessing a legal firearm during a low-level cannabis sale was enough to trigger the statute, and, in fact, a defendant can be convicted for having cannabis and legal guns in his own home. In my case, all these problems applied with a vengeance.¹

For me, the result was a 55-year mandatory minimum sentence² without eligibility for parole—in fact, the prosecution had sought 105 years of mandatory incarceration, but it was “only” able to imprison me for more than a half century—all for engaging in a cannabis transaction that is now legal in many states across the country. Due to draconian, outdated sentencing laws, my life forever changed for a non-violent, first-time offense. In fact, my sentence was so disproportionate that even the judge who sentenced me, a conservative law

1. “Two of those offenses [under 18 U.S.C. § 924(c)] occurred when Mr. Angelos carried a handgun to two \$350 marijuana deals; the third when police found several additional handguns at his home when they executed a search warrant. For these three acts of possessing (not using or even displaying) these guns, the government insists that Mr. Angelos should essentially spend the rest of his life in prison.” *United States v. Angelos*, 345 F. Supp. 2d 1227, 1230 (D. Utah 2004). Moreover, as Judge Cassell noted, the “handguns had multiple purposes—including recreational activities.” *Id.* at 1258. In essence, cannabis prohibition criminalized my Second Amendment rights.

2. Under 18 U.S.C. § 924(c), the first conviction carried a 5-year mandatory minimum sentence and “second or subsequent” convictions carried a whopping 25-year mandatory minimum sentence. The statute's real terror, however, came from multiple charges being brought in a single case, because under § 924(c), the mandatory sentences must be served “consecutively,” meaning one after the other, rather than all at the same time or “concurrently.” As a result, the prosecution could dictate the sentence a defendant must receive through its charging decisions, stacking count upon count in the same case to generate an extraordinary sentence.

professor and George W. Bush appointee named Paul Cassell, called the sentence “cruel, unjust, and even irrational,” making it a clear case “where the system has malfunctioned.”³

In 2016, thanks to the help and unrelenting advocacy of my family, bipartisan elected officials, leading scholars and legal professionals, the media and prominent celebrities, and advocacy groups, I was finally released under President Obama’s administration after serving 13 years for a cannabis offense. In 2020, I was fully pardoned by President Trump.

Now that I am no longer incarcerated, I have dedicated my life to ending cannabis prohibition, fighting against the “War on Drugs,” and working to end mass incarceration. Since my release, I have devoted my life to criminal justice reform advocacy, working on cannabis clemency issues with multiple Presidential administrations, and helping pass the bipartisan First Step Act.⁴ I founded the Weldon Project, a non-profit organization that works to secure the release of those serving time for cannabis-related offenses and to create pathways to pardons and expungement of records so that those impacted may go on to live meaningful lives.

National cannabis reform must include: (1) the release of federal cannabis offenders; (2) a true expungement and sealing of records; and (3) the creation of meaningful opportunities for the formerly incarcerated upon release. With a comprehensive approach to cannabis reform, we could immediately assist many of the nearly 3,000 people serving federal prison time for cannabis offenses, as well as the tens of thousands of individuals whose lives and futures are haunted by records of cannabis arrests, convictions, and sentences. Further still, Congress must provide the resources to address state-level cannabis arrests, convictions, and sentences, since each year hundreds of thousands of individuals become entangled in state criminal justice

3. *Id.* at 1230, 1261. *See also id.* at 1263 (sentencing judge noting his belief that the sentence was “unjust, cruel, and irrational,” but ultimately concluding “our constitutional system of government requires the court to follow the law, not its own personal views about what the law ought to be”). At the end of his opinion, Judge Cassell called upon the President to exercise his commutation authority in my case. *Id.* at 1262-62. Many others joined this call, including scores of “former judges and prosecutors, former elected and appointed government officials, and prominent authors, scholars, artists, activists, and business leaders.” Letter of Former Judges and Prosecutors et al., to President Barack Obama in Support of the Commutation Petition of Weldon Angelos (Nov. 13, 2013), *available at* <https://academyforjustice.asu.edu/>. In his letter to President Obama calling for my sentence to be commuted, Senator Mike Lee wrote:

Weldon fell into the lowest criminal history category, and he has been a model prisoner. His continued incarceration is unjust, contrary to the wishes of the judge who sentenced him, and a waste of government resources.... He has served more than 11 years in prison for selling small quantities of marijuana. This should be enough.... [T]here is no reasonable argument for the justice of the sentence imposed on Weldon Angelos.... It would be a grave injustice to let this sentence stand.

Sen. Michael S. Lee, Letter to President Barack Obama in Support of the Commutation Petition of Weldon Angelos, *available at* <https://apps.washingtonpost.com/g/documents/national/letter-from-sen-mike-lee-of-utah/1696/>.

4. First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (codified as amended in scattered sections of 18, 21, 34, and 42 U.S.C.). Among other things, § 403 of the First Step Act tempered the practice of “count stacking” under 18 U.S.C. § 924(c), converting it into a recidivist statute, *see* 18 U.S.C. § 924(c)(1)(C)(i) (mandating a 25-year sentence for convictions “after a prior conviction under this subsection has become final”)—though the statute remains a sentencing sledgehammer. If today’s version had been in effect at the time of my sentencing, the statute would have only demanded a 5-year mandatory minimum sentence—still a half-decade too long, but far better than the effective life sentence I received.

systems despite cannabis being legal in some form in 37 states, three U.S. territories, and the District of Columbia.⁵

This is why I was excited and grateful to see the Cannabis Administration and Opportunity Act introduced last week. This bill would deschedule cannabis, helping to end the harmful criminal justice impacts of prohibition and supporting the expungement and resentencing of cannabis convictions, all while allowing states the right to decide the direction their jurisdiction will take.

Congress must also address the residual effects of cannabis convictions. Felons can be politically disenfranchised, losing the right to vote or to serve on juries, for instance. They lose other civil liberties like the right to possess a firearm legally, as well as lawful opportunities afforded to others in education and in public housing, among other things. Cannabis convictions adversely impact credit scores too, and they can impede or entirely prevent employment, creating permanent barriers to true participation in society.

Even with a full presidential pardon, I still feel the stranglehold of my cannabis conviction. In my home state of Utah, my prior conviction bars me from participating in the state's legal medical cannabis industry. The state refuses to issue licenses to individuals with felony cannabis convictions, even with a full presidential pardon. In California—the other state I call home—my criminal history prevents me from accessing credit, capital, and financing despite having engaged in conduct that is now legal throughout the jurisdiction. As a result, I've been effectively shut out of an entire legal industry that is supposed to be one of the most equitable in the country.

As further testament to the importance of completely clearing a record, this past spring I attended a meeting with senior staff of the Biden Administration. Despite nearly a dozen previous White House admissions and being invited by the President, I was almost prevented from entering because of a latent criminal record—for conduct that has been entirely pardoned—but still lingered in the Secret Service background check. That I was nearly barred from a discussion with presidential advisors about criminal justice reform and the effects of cannabis convictions *because of a cannabis conviction that had been presidentially pardoned* would be funny if it weren't true. But it is ironic and poignantly cruel.

Today, however, I am hopeful because of your consideration of the Cannabis Administration and Opportunity Act. The bill and its expungement provisions could be life-changing for individuals incarcerated in the federal prison system for cannabis offenses. But I caution against complacency. We are in what my friend and co-author Professor Erik Luna has called the “twilight of marijuana prohibition,” and people's lives remain at stake. If we can make any progress today—whether through legislation or executive action—we must seize that opportunity to move forward toward a post-prohibition approach to federal cannabis law.

Each day in incarceration severely affects the mental and physical health of incarcerated individuals, and negatively impacts their relationships with the outside world. And each arrest,

5. For instance, the bipartisan HOPE Act would help states expunge cannabis offenses by providing federal grants to reduce the financial and administrative burdens of such efforts. Harnessing Opportunities by Pursuing Expungement (HOPE) Act of 2021, H.R. 6129, 117th Cong. (2021-22).

prosecution, conviction, and sentence makes the world a little bit smaller for those who must live their lives bearing the modern scarlet letter.

I realize that I am one of the lucky ones. I am no longer inmate 10053-081. I am Weldon Angelos, a reform advocate with the immense privilege of testifying before you today. But my fortune is not universal. I am reminded of all those left behind in prison—those who are still serving unjust sentences—many of whom are Black and Hispanic men who continue to serve time while predominantly white CEOs and entrepreneurs make millions from the recreational and medical cannabis industries around the country. The cannabis industry should be able to grow and thrive, but not at the expense of those who are still incarcerated. And as we think about federal cannabis reform and ensure the release of those who are still serving, we must also provide opportunities and resources to support reentry and create a pathway to expungement to stop the collateral consequences.

I strongly believe we can build on the bipartisan success of criminal justice reforms like the First Step Act and can work to end the racially motivated cannabis policies that have endured for too many decades.

Thank you again for including me in this historic hearing. I look forward to answering your questions.